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09/629,323	07/31/2000	James F. Allsup	7554	4709

1688 7590 07/27/2004

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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT PAPER NUMBER

3626

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

Requirement for Information Under 37 C.F.R. §1.105

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to identify publications embodying the disclosed subject matter of a method and system for collecting and presenting patient data. The Examiner discovered a publication on the web site of FindLaw with respect to long term disability insurers (LTD) and SSDI (communication dated 6/4/2004). The publication discusses whether preauthorization agreements for accessing claimant's accounts for overpayment recovery purposes at the same time SSDI funds are electronically deposited into the claimant's account are legal. In response to this requirement please provide any known information regarding the legality of the preauthorization agreements with respect to the Social Security Act including citations to the relevant portions of the Social Security Act.
3. The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents

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within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

4. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

5. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

6. This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

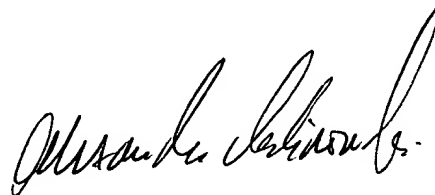
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7. The Examiner acknowledges Applicant's reply to the request for information under Rule 105 (dated 11/4/2003) as complete.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski


Primary Examiner

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7/26/2004

General Discussion

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sysop - 04:43pm Mar 5, 2001

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Brian McCarthy - 12:24pm Jun 8, 2004 ([201](#), 364/389)



Long-Term Disability Insurers and Lump-sum payments from SSDI

A warning to those who are disabled and have long-term disability (LTD) insurance through one of the larger LTD carriers.

Your insurance agreement or contract requires both that you apply for SSDI and, if awarded SSDI, that the LTD is entitled to recoup the amounts it "overpaid" since the LTD carrier was obligated only to pay the difference between the SSDI amount and the amount of your monthly payment. That is, the LTD carrier was entitled to an "offset" for what SSDI paid to you.

In order to recapture or recover the "overpayment" the LTD carrier wants you to have the SSDI payments made electronically into your bank via Direct Deposit. The LTD carrier or its agents will then "sweep" your account with your preauthorization almost at the same time the funds are deposited into your account. The sweeping of the account with your preauthorization is illegal and a violation of the anti-assignment provision of the Social Security Act.

It makes far more sense for you to agree to repay the "overpayment" by reducing your future payments from the LTD carrier. In essence, the LTD carrier would then be financing the loan of those funds, rather than you. It always is a smarter financial move for you to keep real dollars in your pocket (or bank) and agree to repay future dollars. A dollar today is worth more than a dollar you get in a week or in a month. Keep your dollars in your bank. Do not consent to have your account swept. If your account has been swept, seek legal counsel to assist you in having those funds replaced.

Mike Green - 08:04am Jun 14, 2004 ([202. 365/389](#))

 [Reply](#)

IRS wants overpayment back plus interest after 3 years

A little over 3 years ago, filed a tax return. IRS overpaid my refund by \$20,000. I wrote the IRS and so advised it. No correspondence received from the IRS regarding the overpayment. So I put the money in the bank, did not spend it. Now over 3 years later, I get a letter from the IRS saying it wants the \$20,000 back plus penalties and interest.

Isn't there a 3 year statute of limitations on this or some other IRS Rule that allows me to keep both the principle and not pay any interest to the IRS?

michael copes - 11:10am Jun 15, 2004 ([203. 366/389](#))

 [Reply](#)

Waiting to hear from ssi

Had been working several painting for a contractor. One weekend Over 2 years ago off the job i was tossing a heavy bag into the dumpster and felt an excruciating crunch in my left shoulder. Went to the doctor the following monday. He said he was pretty sure i had popped my rotary cuff in my shoulder. Could no longer raise my arm above my shoulder. Called my boss and explained that i couldnt work no more because my job required me constant daily raising and lifting rolling walls. After a couple of days my vision got very blurry and started feeling sick. Went back to doctor and he checked my blood sugar and told me i

had diabetees. My vision got better but some days it is very blurry. Put me on medication. Applied for disability. Kept feeling worse dizziness bad feeling in head then chest pains. Went back to doctor he looked at me and said i should go to emergency room immediatly. Was addmitted and found out i had 95 prcent blockage in main widow maker artery and 30percent blockage in another. Had angioplasty done main artery. Was openened 90percent. Was in hospital over two weeks. when i got out felt good for a week then began to have chest pains and dificulty with breathing when walking. went to heart doctor was put on isosorb and atenolol. That helps alot but i still have to pace myself and my breathing is still bothering me. Also have pain and numbness in feet from diabetees and after two years still have pain and cannot raise arm over my shoulder. Was turned down for disability before my heart problems started. Got a lawyer and its been 2 yrs since i got him and he says they're still waiting to hear from social security. In the meantime i have sold nearly everything i have in order to make it. It has been unbelievably stressing on me, which is also something im supposed to avoid, haha. We live mainly off my wifes disability. She has progressive ms and cannot walk or stand and needs my help for about all her needs. I am on heart medicine blood pressure and oral medicine for type 2 diabetees. Trying to afford medications food keep my health up and being stressed worrying about my wife is kind hard. My wife recieves i think 556.00 a month and thats what we live on. Question, what are the chances of being turned down again for disability. And how much longer can they wait till they let me know something. Sorry this was so long. Michael Copes

Kathy Davidson - 07:29pm Jun 23, 2004 (204.1 373/389)

 [Reply](#)

 You can earn up to \$810.00 a month and still collect your full ssdi benefit.

Roger Gold - 01:43pm Jun 20, 2004 (204. 367/389)

 [Reply](#)

In what circumstances can an ex-felon vote in a federal election?

Doug Carey - 10:00am Jun 23, 2004 ([204.1 371/389](#))

[Reply](#)

vote

After his rights have been restored, usually a state procedure which varies from state to state.

ron trobaugh - 03:14am Jun 21, 2004 ([205. 368/389](#))

[Reply](#)

lawyer payments

is there a maximum payment a lawyer can receive on a social security claim decision?

craven ashley - 09:35am Jun 21, 2004 ([206. 369/389](#))

[Reply](#)

former disability examiner

I was on disability in the Seventies and got off to take a state job that wasn't physically demanding and then had three surgeries to stay working. After having that job for like 23 years I retired, but incorrectly.

I was an examiner for the states Disability Determinations for one day short of six months. They said they would terminate me that day so I quit instead. It was no big deal, I was only working to qualify for retirement bonus which I missed because of a paperwork glitch when I retired from my other state job of over twenty years.

We were the worst, or second worst paid disability examiners in the country and we were least likely to say someone met or equalled a listing. Of course, there's a connection. (We were paid the same as Food Stamp examiners even though the Occupational Red Book said Our work was two steps more demanding.)

That bothered me. Plus some policies. I was told that my cases would be reviewed by a senior examiner who would put comments, suggestions, changes

in my recommendations (for me to make) ON the claimants file. They said: "If they put it IN the file it would be public record." I said: "They wouldn't do that to me, I'd put their comments IN the file."

I was told by a Federalee that the real reason I was termed though, was that I called Wang Levy to ask for a manual on the software; and THEY called the State Office. The Wang Levy website offered help; I found out they didn't mean it. This didn't happen yesterday, something like three or four years ago. Good luck to lawyers who choose to fight these guys.

■ **jessica santiago** - 02:52pm Jun 23, 2004 ([207.1 372/389](#))

 **Reply**

please help me

the father of my kids get s.s.i and i have been told that they can put him on child supp my thing is he has righth to his kids but yet no need to help take care of them,becouse he get s.s.i so what are my righth to get fool custerd of my kids, they live with my and i take care of them 100% in all ways so i feel that he sould have no righth to them b/c he is not doing anything for them and when he does is when ever he feel like it so please help me

▶ **Doug Carey** - 12:20pm Jun 24, 2004 ([207.1 375/389](#))

 **Reply**

SSI

The father of your kids has been found to be poor and disabled by the social security administration, apparently without sufficient work history to be eligible for Social Security Disability benefits. He receives less than \$600 per month to live on, in most instances, and the government. As a matter of public policy the government will not take welfare benefits to pay child support, even to repay the government for any TANF or other public benefit. Any payments he makes will thus be voluntary. the arrearage will keep on building up, with no prospect of it ever being paid unless a rich uncle dies or he hits the lottery. Sorry.

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